

**REMARKS/ARGUMENTS**

The claims have been amended and reconsideration is in view of the following remarks.

As a preliminary matter, the office action noted that the applicant did not include all 11 pages of the international search report with the IDS. Accordingly, the applicant has attached the full 11 pages to this response. The applicant apologizes for any inconvenience this may have caused.

The office action also made various rejections under 35 USC 112, paragraph 2. To expedite prosecution, the applicant has amended the relevant claims to comply with the requests in the action.


Claims 8-9 and 11-15 were rejected as being anticipated by U.S. 5,556,423 (Chow et al, hereinafter "Chow"). To expedite prosecution, the applicant amended claim 8 to be limited to germanium-based photodiodes. Accordingly, claim 8 and its dependents are patentable in view of the cited art. Moreover, the remaining claims, which similarly are limited to germanium based photodiodes, were rejected as being obvious in view of Chow and the Cannon et al. article (hereinafter "Cannon").

The invention as defined by the claims, however, was reduced to practice before the critical date of Cannon (i.e., before April of 2003). The applicant therefore submits a declaration under 37 CFR 1.131 as support. Accordingly, the pending claims are allowable in view of the cited art.

Applicants believe that a one month extension is required and authorize it to be paid by deposit account number 19-4972. However, if any other fees are required for the timely consideration of this application, please charge such fees to the noted deposit account number.

Please contact the applicant's attorney, Steven Saunders, at 617-443-9292 if there are any questions.

Respectfully submitted,

By   
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